

'COGNITION OF RIGHTS' IS LIQUOR MEN'S HOPE

May Make "Impaired Obligation" Plea to Halt Bone Dry Rule July 1.

FEES PAID; LOSSES FACED

State Sovereignty Doctrine Is Used to Refute Latest Contention.

It was learned yesterday that at a suitable time before July 1 certain interests opposed to countywide prohibition will ask a United States tribunal to pass on the point of whether Congress in decreeing that liquor shall disappear by next July has not sought to impair the obligation of contracts.

Nothing could be more specific than the clause in the Volstead act which constitutes that no laws shall be passed impairing the obligation of contracts. It is the opinion of lawyers here that the clause is of interest affected that any one who has paid a license fee and received a certificate enabling him to sell liquor is entitled to the protection of the law in the contemplation of the constitutional provision and may claim its protection.

The liquor tax law varies in different States, but in New York liquor taxes are collected and certificates issued at the beginning of every October and the certificates confer the right to sell liquor for one year. A man who has paid a license fee to this State for the privilege of selling liquor "alters his position" in the local phrase, and lawyers who have been consulted maintain that he is thus a party to an enforceable contract, the obligation of which is guaranteed by the Constitution.

Contention as to Repayment.

It was explained yesterday also that a man holding a liquor tax certificate may reject the proposal for repayment of the money received for the certificate of his certificate from next July to next October upon the ground that his loss cannot be computed in money. In other words, he is entitled to injunctive relief as being without a remedy at law and may invoke a court at short notice and obtain an early ruling on the question of law which is presented.

The opinion is expressed by the one holding that the State and the liquor tax certificate holder stand in a contractual relation that is based upon the doctrine of State sovereignty, or holding that the State may revoke or repeat any law on its statute books at any time under its sovereign authority, and that hence the Federal Government, deriving its powers from the separate States which make up the Union, has the same power to set aside the existing law of any one State that the State itself has.

It is pointed out, however, that the doctrine of State sovereignty is not of invariable application. The Court of Claims, for instance, in this State is an expression of the principle that a citizen of a State may bring an action against the United States, just as he may against an individual. And especially, when any State, upon the strength of a statute passed by it, accepts money from a citizen of another State, it is bound by the obligation, it is undertaken, nor can Congress, deriving its power from that State for the purposes of the oppressive act, decree that the State which has accepted the obligation it has assumed under its own statute making power.

Hope to Get the Case Into Court.

While it may be difficult to persuade any court to assume jurisdiction of the constitutional question involved until after next July, for the reason that an injunction cannot be asked legally against the operation of a law which is as yet inoperative, the counsel who have the expedient under advisement hope to obtain consideration for the question of the constitutionality of the law before next July by the use of some device similar to that by which one of the cases affecting the liquor interests was brought into court.

It is hoped also that demobilization of the army may be complete by next July, or at least so complete that President Wilson may be able to sign the order into effect the law which will make the nation dry. Under the language of the act he may after the date of its application, if this should occur, the constitutionality of the law could not be tested in this State because persons holding tax certificates would be able to continue selling liquor until after October would of course run only until the State itself goes dry.

STEP TO DISSOLVE CITY SURFACE LINES

Continued from First Page.

tion to any such application or applications.

It is furthermore my intention to oppose the granting of these petitions on their return day. In case you so desire I will gladly cooperate with the counsel in the State, and will make this attempt at the disintegration of the New York railway system."

Questions Court's Power.

The Corporation Counsel questioned the power of the court to authorize the release of a subsidiary at the hearing on the motion to make the appointment of Mr. Hodges permanent. He said that the situation has changed from the time of the Metropolitan receivership and asserted that new statutes make it necessary to pass upon any changes that would operate to increase fares. He added that the approval of the Public Service Commission of the proposed change was subject to review in the State court.

Godfrey Goldmark, counsel for the Public Service Commission, said last night that he had not received copies of the petitions to be heard by the office of the commission until 5 P. M. He said that neither the city nor the Public Service Commission was a party to the New York in the State court, and would not necessarily receive notice of hearings in the court charged with custody of the receivership estate.

The leased lines of the New York Railways have two and half times as much track as the lines it owns or operates under agreement. The leased lines are the Bleecker street, Broadway and Seventh avenue, Coney Island, Christopher and Tenth street, Grand street, Twenty-third street, Eighth avenue, Sixth avenue, Ninth avenue, Port George and Eleventh avenue, Thirty-fourth street and New York and Harlem Railroad Company.

All of the leased lines were drawn in the old Metropolitan system during the concentration of what had been independent lines, which system was directed by William C. Clegg, who died in 1908. The New York Railways Company assumed the obligations of these leases when it was formed in 1912, after a receivership of the city had lightened the burden of the city.

SIBERIANS CUT OFF BOLSHIEV TRUOPS

Volga Control Is Near—Red Regiments in Mutiny.

WASHINGTON, April 19.—Development of the Siberian offensive against the Bolsheviks in the Caucasus is expected in official dispatches from Omsk received today by the Russian Embassy here, and the definite prediction is made that all Bolshevik operations will be occupied this spring. Transportation of merchandise for export by way of Vladivostok has been resumed.

The dispatches reported various incidents to show general demoralization among the Bolshevik forces and to record the forward movement of the drive on Vladivostok. In the Caucasus, the three Bolshevik divisions are declared to have mutinied and withdrawn in a battle with the Red army when Admiral Kolchak's forces captured the important town of Sterlitamak.

A statement by the embassy summarizing the dispatches says in part:

"Gen. Andolsky, referring to the taking of the town of Sterlitamak, called it a great victory and points out that owing to the taking of this town the situation of the Bolsheviks on the Orenburg front becomes critical. The Bolsheviks have been compelled to the south of Ufa, is terminating in a brilliant victory at Sterlitamak and cut off the rear of the Bolsheviks. The Red army has henceforth count on the occupation of the Volga region by the Siberian troops in the spring.

"On April 9 the occupying of the town of Sterlitamak was reported, as well as the taking of numbers of prisoners and other trophies. After the capture of the town of Sterlitamak the Bolsheviks were reported to have been driven back and the enemy experienced great losses. There were captured great numbers of prisoners, rapid firing guns and ten heavy guns. The volunteer Siberian troops are ten miles from the Volga river.

"The population of the localities Ufa, Zlaty, and Tselinograd, which were shelled because of the looting, acts of violence and requisitioning of wheat, effected by the communist red army, is in Ufa, in becoming normal and governmental and social organizations have resumed their activities. Urgent measures of relief are being taken for the ill soldiers and the wounded. A hospital has been opened. Great help is being rendered by a special union of women. The question of food supplies is improving and the high prices of different products."

Admiral Kolchak, the statement says, is dividing his Bolshevik prisoners into classes and training men who were captured by the Bolsheviks to take the oath of fidelity for service in regular Siberian regiments.

The statement continues:

"Transportation of merchandise for export by way of Vladivostok has been reestablished, provided that 50 per cent. of the railway's carrying capacity remains at the disposal of the military. The military supplies remain available for goods to be exported. Military supplies are excluded from this regulation."

Telegram of congratulation to Admiral Kolchak from the regional assembly of Semenov of Turgaisk are quoted.

Senator Manuel L. Quezon, president of the Philippine upper house, chairman of the mission which is pressing the cause of independence for the islands, urged the claims of self-government at a luncheon given yesterday by the League of Free Nations Association in the Hotel Commodore. He pictured the great increase in commercial and individual wealth that has come upon the Philippines since 1913, and declared that with the League of Nations there is no fear of encroachment by other Powers in the Pacific and the Far East.

After reciting the achievements of the islands during the war in contributing to Government and relief campaigns and the raising of a volunteer army of 15,000 he said that the people of the Philippines have decided that they are able to carry on their own government. The work of the Department of Education has been thoroughly done, he said, and in the supreme test of the island, the United States will withdraw its forces and let the islands to manage alone the Government ran smoothly without disorder. He continued:

"The total foreign commerce in 1913 was \$107,685,742, with a balance against her of \$5,000,000, while last year, 1918, her foreign commerce reached \$234,121,741, a total of \$126,435,956 in her favor of \$37,883,324, or an increase of about 131 per cent.

"In 1913 our monetary circulation was \$25,348,426, or \$2.75 per capita, while now we have in circulation \$68,301,484, or \$6.74 per capita. Our total bonded indebtedness amounts only to \$10,000,000, which is more than \$4,000 per capita, while we are able to pay \$100,000,000 of our bonds at 4 per cent. Taxation in 1913 was \$2.14 per capita, as compared with \$2.88 per capita in 1918. The Philippine National Bank, organized with resources of \$5,000,000 in May, 1915, had resources of \$14,650,000 in July, 1918, \$26,350,000 on December 31, 1918, \$104,711,000 on June 30, 1919, and \$134,359,035 on December 31, 1919."

Senator Quezon said that the two main reasons for granting the islands independence were the conditions under which the Federal promises of autonomy were based have been fulfilled and the attitude of the Government in endorsing the independence of the islands.

"Some critics have said that once the strong hand of the United States was withdrawn from the islands popular education would be abandoned. Such critics forget that among the first laws enacted by the Philippine Republic during its short existence was the establishment of universal education. The Philippine Republic, under the leadership of its first president, Camilo Osias of the Bureau of Education at Manila and Jorge Booboo, third member of the mission, spoke sharply at the luncheon. James C. McDonald replied.

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SAYS U.S. WAR CLAIMS FIT FILIPINOS' CASE

Senator Quezon Argues for Independence of Islands at Luncheon Here.

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TELLS OF TRADE GROWTH

Per Capita Circulation Almost Tripled Since 1913—Progress in Education.

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OMSK SWIFTS REDS IN RETREAT

Bolshievis Lose Hundred of Guns and 10,000 Men.

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INVESTITURE HERE MAY 8

Elaborate Ceremonies to Mark Conferring of Emblem on Archbishop Hayes.

The Right Rev. Mgr. Charles A. O'Hern, president of the North American College in Rome, who is the custodian of the sacred palliums granted to the Most Rev. Archbishop Hayes of New York and Most Rev. Archbishop Dougherty of Philadelphia by Pope Benedict, is expected to arrive in New York any day.

A cablegram received by the Very Rev. Mgr. John J. Dunn, rector of the local archdiocese, making announcement of the Pope's selection of Mgr. O'Hern to bring the palliums and the sacred emblem to this country, before the Monsignor would sail for New York on Saturday, April 19. It is actually sailed on that date and met with no mishap during his journey across the ocean he is about to arrive in port today or early this week.

Optimists foresee a complete collapse of the Bolshevik regime and expect to see the Russian Empire in the hands of the Whites in a matter of months. Refugees at Kazan anticipate an early return to their homes.

Ceremony Will Be Elaborate.

At all events the Monsignor surely will be in New York soon with the pallium and the brief official document announcing the Archbishop's appointment as a representative of Pope Benedict to the feast of St. Joseph, the patron saint of the new Archbishop, but the final decision named May 8.

The day when the late Cardinal Farley arrived in New York from Rome after having been raised to the dignity of Cardinal has such an elaborate ceremony taken place in St. Patrick's Cathedral as will occur when the Most Rev. Archbishop John Bonzano Apostolic Delegate to the United States, as the representative of Pope Benedict, places the sacred pallium across the shoulders of Archbishop Hayes, who will be accompanied by the Monsignor, the feast of St. Joseph, the patron saint of the new Archbishop, but the final decision named May 8.

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WEISBECKER HEIRS DROP WILL FIGHT

Original Situation Unchanged Except for \$22,000 Litigation Costs.

Litigation in connection with the estate left by Charles Weisbecker, who at his death in October, 1908, owned a market in West 125th street, in addition to considerable Harlem and Washington Heights real estate, has cost the heirs a sum in excess of \$22,000, according to a report filed yesterday in the Surrogate's Court by Referee Egeron L. Winthrop, 32 Liberty street.

Weisbecker left an estate valued at \$100,000, and his will provided that his wife should have the income during her life. On her death the principal was to be divided among his children and their heirs. The will was contested and its two branches were continued as long as the business showed reasonable profit. He appointed as executors his wife and two sons, Arthur and Charles Weisbecker.

According to Referee Winthrop's report the executors filed in 1915 an accounting and made application for judicial settlement of the affairs of the estate. The application was objected to and the accounting contested by Lillian Schwartz and Mabel Sieber, daughters of Charles Weisbecker, who claimed that the executors had mismanaged the estate. The referee was appointed by the Surrogate. The referee began taking testimony in November, 1915, and between this time and April, 1917, held two hearings and twelve adjournments. The testimony taken covered 2,500 typewritten sheets. After this lengthy litigation the executors and contestants effected an amicable settlement of their differences. Shares of stock in the market business were distributed among the heirs and the executors. The executors were settled on the contents for the payment of their counsel fees and other disbursements.

The referee's chapter in the cost to the estate is tagged on by the bill for his services turned in by Referee Winthrop, which was submitted with his report to the Surrogate. The bill for his services is itemized form and for 106 hours of his time, totaling \$22,000. Added to this is another bill, in which the referee itemizes two additional hours spent in the office of the referee, and the value of this service he places at \$40.

Referee Winthrop states that all objections having been withdrawn, he is counting which was objected to stands, and will now go before Surrogate Fowler.

PROMISE TO FRANCE DISCUSSED CHARLY

Washington Sees Less Objection Than to League.

Special Dispatch to THE SUN. The special cable from Paris indicating that President Wilson has committed himself definitely to promising that America would aid France in the event of the latter country being attacked by Germany attracted much attention in official and unofficial circles here. An authorized comment was obtained from Premier Lloyd George who has already pledged British support to France in securing the peace of Europe. President Wilson may yet create a British-French-American alliance designed to protect France. British protection and American protection by the alliance would come indirectly as a consequence.

The attitude of the Senate toward such an alliance would be problematical, but the French and British believe that the chances of such a simple, practical alliance would be a hundred times greater than that of a perpetual, outlasting alliance with all the nations of the world involved in the league compact as first drawn up. Under the new arrangement the peace would be confined to Great Britain, France and the United States, and perhaps Italy. The league, which is looked upon now as little more than a peace protecting society without "teeth," in these circumstances might not encounter great difficulties. The means of using war to preserve peace would be a matter of the moment, for the league, at least for the present. The means of aiding "peace" thought by exchanges of ideas and the program for the coming year. The attitude of the world would remain with the league.

Premier Clemenceau is understood to have pointed out emphatically to the league as it now stands is worse than useless so far as protecting France is concerned. The fact that an unanimous vote in regard to the league has been made it appears to Premier Clemenceau that France in justice to herself could not trust her security to a league which she had no voice in creating. The agreement made in 1915 between France and the United States, which was a guarantee, was not reported from Paris is said to be a guarantee. The agreement made in 1915 between France and the United States, which was a guarantee, was not reported from Paris is said to be a guarantee. The agreement made in 1915 between France and the United States, which was a guarantee, was not reported from Paris is said to be a guarantee.

WIFE DIVORCES MUSIC MAN.

Ginsburgh, Otherwise Giacomo.

An interlocutory decree of divorce was granted yesterday by Justice Tierney in the Bronx Supreme Court to Mrs. Francis Ginsburgh, otherwise known as Prof. Bourgh and Giacomo Ginsburgh, a music teacher of 123 West 25th street. The suit was not defended beyond the filing of a general denial. Mrs. Ginsburgh said her husband conducted a studio in Seventy-second street and had appeared as a concert singer at various times.

POPPES MESSENGER HERE HERE TO-DAY

The Right Rev. Mgr. O'Hern Is Bringing Two Sacred Palliums.

The Right Rev. Mgr. Charles A. O'Hern, president of the North American College in Rome, who is the custodian of the sacred palliums granted to the Most Rev. Archbishop Hayes of New York and Most Rev. Archbishop Dougherty of Philadelphia by Pope Benedict, is expected to arrive in New York any day.

INVESTITURE HERE MAY 8

Elaborate Ceremonies to Mark Conferring of Emblem on Archbishop Hayes.

The Right Rev. Mgr. Charles A. O'Hern, president of the North American College in Rome, who is the custodian of the sacred palliums granted to the Most Rev. Archbishop Hayes of New York and Most Rev. Archbishop Dougherty of Philadelphia by Pope Benedict, is expected to arrive in New York any